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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

08/736,896 10/25/96 KEN

C 290252016600

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QM31/0510

 EXAMINER

LEWIS, W

 ART UNIT PAPER NUMBER

3731

**DATE MAILED:**

05/10/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

|                              |                                      |                                   |
|------------------------------|--------------------------------------|-----------------------------------|
| <b>Office Action Summary</b> | Application No.<br><b>08/736,896</b> | Applicant(s)<br><b>Ken et al.</b> |
|                              | Examiner<br><b>William Lewis</b>     | Group Art Unit<br><b>3731</b>     |

Responsive to communication(s) filed on Feb 16, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1, 3, and 4 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1, 3, and 4 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Serial Number: 08/736,896

Art Unit: 3309

### **Part III DETAILED ACTION**

1. The request filed on 6-30-98 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/736,896 is acceptable and a CPA has been established. An action on the CPA follows.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinke et al. (German Patent 3,203,49,277). Heinke et al. disclose an coil (1) having proximal and distal ends that are radially inward relative the center section. However, Heinke et al. do not disclose the detachable ends. Mariant et al. teach of this element (see figure 14) in the same field of endeavor for the purpose of allowing proper placement of the coil. It would have been obvious to one skilled in the art at the time of the invention to have placed the attachment means taught by Mariant et al. onto the Heinke et al. device in order to allow proper and controlled placement of the coil.

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*Response to Arguments*

4. Applicant's arguments filed 2-16-99 have been fully considered but they are not persuasive. Regarding Applicant's arguments, "immediately adjacent" appears to mean "beside". The Heinke et al. reference clearly shows this feature. Regarding the arguments of the combination, the problem of maintaining and controlling a coil is well known in the prior art. See the Sepetka '437, Engelson '916 and Palermo '071 references. Mariant et al. teaches of TWO techniques to aid in the placement of the coil.

*Conclusion*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. Lewis whose telephone number is (703) 308-0060.



WL

May 9, 1999



MICHAEL BUIZ  
SUPERVISORY PATENT EXAMINER  
GROUP 3300

5/9/99